

Improvement Res. No. 1306-71

Resolution Adopted:

May 17, 1971

Confirmed:

July 15, 1971

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Dec 14, 1972

Dec 1306-1971

DECLARATORY RESOLUTION NO. 1306-1971

For the Vacation of the alley between Fairfield Avenue and South Wayne Avenue from the N/P/L of Home Avenue to a point 120' north thereof. Lots 1, 2 & 8, all in S.B. Bond's Amended Subdivision.

ADOPTED: May 17, 1971

ADVERTISE NOTICE TO PROPERTY OWNERS: May 21 & 28, 1971

NOTICES MAILED: May 28, 1971

HEARING ON CONFIRMATION: Thursday, June 10, 1971 at 3:30 pm.

TAKEN UNDER ADVISEMENT June 10, 1971 July 15, 1971

CONFIRMED: July 15, 1971

ASSESSMENT ROLL ORDERED: July 15, 1971

ASSESSMENT ROLL APPROVED: July 5, 1972

HEARING ON CONFIRMATION OF ASSM'T ROLL: Thurs. Jul 20 - '72
at 3:30 p.m.

NOTICE SERVED: July 10, 1972

ASSESSMENT ROLL CONFIRMED: Dec. 14, 1972

Continued to
July 27, 1972 at 3:30 p

Continued to
Sept. 14, 1972,
Thurs. at 3:30 p.m.
Cont. to Nov. 9, 1972
Thurs., at 3:30 p.m.
Cont. to Dec. 14

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 1, 2 and 8, all in S.B. Bond's Amended Subdivision. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, ~~water mains, gas mains,~~ electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northwest quarter of Section Fourteen, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 17th DAY OF May 19 71.

Attest:
Secretary Board of Public Works.

Robert W. Doherty
Edward P. Elbe
Board of Public Works.

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

57-50-6
NOTED

☒ F.S.E.
☒ R.W.D.
☐ G.F.G.

B.O. 13-'71

Date January 29, 1971

Date _____

To Don Bodeker, City Engineering

Subject Vacation - Alley North of Home Avenue, West of Fairfield

Please take whatever steps are necessary to process the attached petition.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

es

Signed _____

Reply:

May 12, 1971

OK
RWD

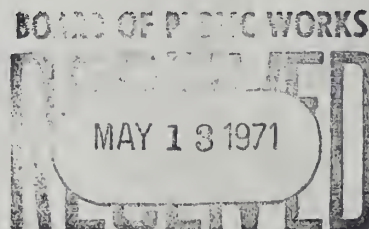
1306

Declaratory Resolution, drawing and property ownership list completed and attached.

Indiana-Michigan Electric Co., General Telephone Co., City Utilities Electrical Engineering and Sewer Engineering all require underground utility easements.

The petitioner has agreed to grant the necessary easements and will also be required to assume utility relocation costs.

Donald E. Bodeker
Donald E. Bodeker
Office Manager



DEB:lc
attachs.

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

STATE OF INDIANA)
) SS: BEFORE THE BOARD OF PUBLIC
 COUNTY OF ALLEN) WORKS OF THE CITY OF FORT
) WAYNE
 AND
 THE CITY PLAN COMMISSION

PETITION TO VACATE AN ALLEY

1. That this petition involves an alley north of Home Avenue and West of Fairfield Avenue, in the City of Fort Wayne, Allen County, Indiana, described as follows:

Commencing at a point on the southwest corner of Lot No. 1 in S. B. Bond's Amended Subdivision, Fairfield Outlot 22 and part of Outlot 21 in the northeast 1/4 of the northwest 1/4 of Section 14, Township 30 North, Range 12 East in the City of Fort Wayne, Allen County, Indiana; thence north along the west line of Lots No. 1 and No. 2 in said S. B. Bond's Amended Subdivision a distance of 120.0 feet; thence west at a right angle to said line a distance of 12 feet; thence south at a right angle with the last described line and parallel with the first described line to a point 12 feet west of the southwest corner of said Lot No. 1 in S. B. Bond's Amended Subdivision; thence east 12 feet to the point of beginning,

all of which alley is adjacent to property owned by Duemling Medical Building, Inc., which alley is indicated on the attached "Exhibit A", and marked in red.

2. That the real property to the north of the alley sought to be vacated has adequate access through their existing alley which extends to the rear of these properties and exits to the west on South Wayne Avenue; that the portion of the alley now requested to be vacated is wholly adjacent to the real property owned by the petitioner and serves no useful public function.

3. That the portion of the alley to be vacated, as it now exists, bisects the petitioner's real property which is in the process of substantial

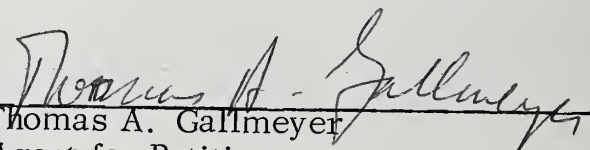
improvement by the construction of a large and attractive medical clinic, and the existence of the portion of the alley sought to be vacated and the right of public ingress and egress across said alley would make the improvement of the petitioner's property, for all practical purposes, impossible and, consequently, the alley now constitutes a substantial burden without effecting any public utility purpose.

4. That your petitioner states that it will abide by any requirements of the City Engineering Department of the City of Fort Wayne with reference to said portion of the alley sought to be vacated.

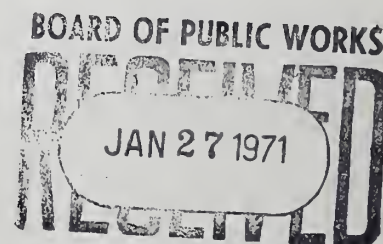
WHEREFORE, the undersigned respectfully prays that said portion of said alley as described herein and as outlined in "red" on the attached "Exhibit A" be vacated.

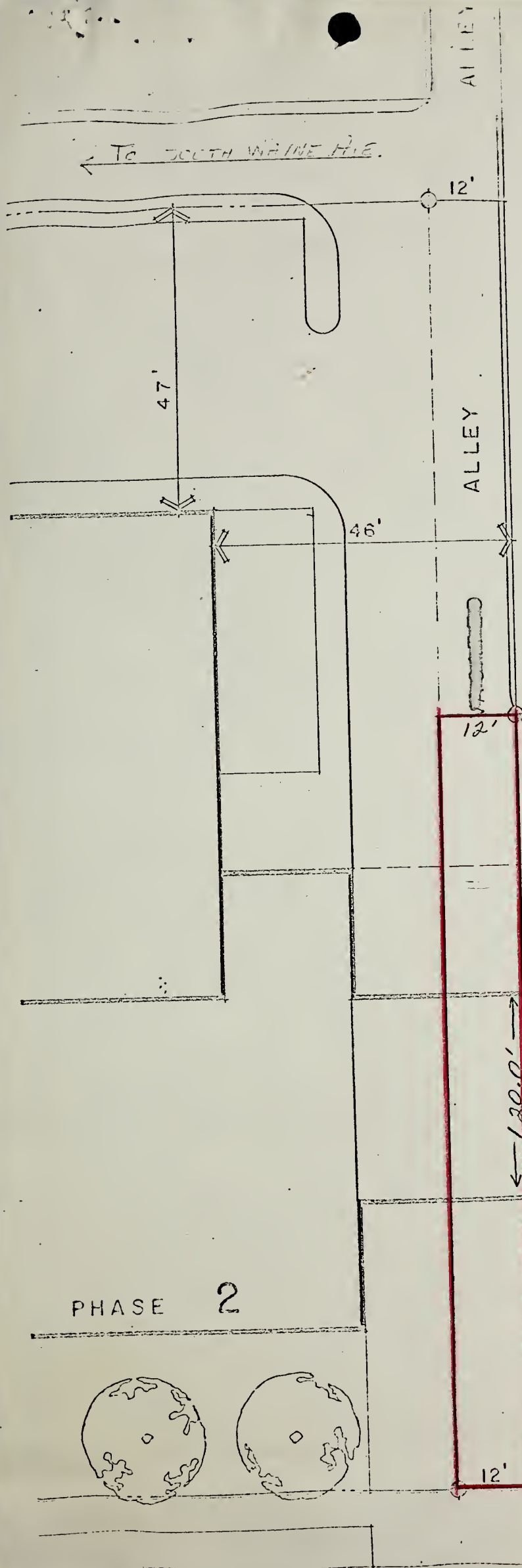
DUEMLING MEDICAL BUILDING, INC.

By


Thomas A. Gallmeyer
Agent for Petitioner

The owner of all property adjacent to the alley herein described.





PHASE 1
PHASE 2
PHASE 3

BUILDING AREA
PHASE 1
PHASE 2
PHASE 3

PROPERTY BOUNDARY
1, 2, 8, 9, 10 & 11

SCALE : 1"

PROPERTY

LOT #2

S.B. BOND'S AMENDED SUBDIVISION
FAIRFIELD'S OUTLOT 22 & PART OF
OUTLOT 21

PHASE 2

LOT #1

PHASE

PROPERTY

City of Fort Wayne

NOTED

☒ F.S.E.
☐ R.W.D.
☐ G.F.G.

Date _____

CITY ENGINEERING DEPT.
425 S. CALHOUN STREET
FORT WAYNE, IND. 46802

*OK
RWD
4-8-71*

BOARD OF PUBLIC WORKS

RECEIVED
MAR 30 1971

March 29, 1971

Thomas A. Gallmeyer
Attorney at Law
Indiana Bank Building
Fort Wayne, Indiana 46802

Re: Proposed alley vacation for new Duemling Clinic Building

Dear Mr. Gallmeyer:

A Declaratory Resolution has been prepared for subject alley vacation and it will be submitted to the Board of Public Works within a few days.

Before the vacation can be confirmed, however, several utility companies will require easement grants or an agreement to relocate their facilities.

Please contact the individuals listed below to work out details on this matter.

City Utilities
Electrical Engineering
J. H. Hinman

Sewer Engineering Department
Ron Bonar

Indiana & Michigan Electric Co.
Wm. Blackburn *W. Blackburn*

General Telephone Company
Chas. Leuenberger

There is also some concern over the dead end alley situation the vacation will create. This can be resolved several different ways but you should be aware that it may be a requirement of the vacation.

If you have any questions, please contact me.

Yours truly,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc



cc: Board of Public Works ✓
Conrad Jankowski
J. H. Hinman *J. Hinman*

B.O. #13-71

Ron Bonar
Wm. Blackburn
Chas. Leuenberger

City of Fort Wayne



CITY-COUNTY BUILDING
ONE MAIN STREET

ENGINEERING DEPARTMENT

NOTED

☐ F.S.E.
☐ R.W.D.
☐ EVE

Date _____

FORT WAYNE, INDIANA 46802

June 9, 1971

Sent to all persons on property ownership list:

Re: Declaratory Resolution No. 1306-1971 which provides for the vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

You were previously advised that a public hearing would be held on the above described alley vacation Thursday, June 10, 1971 at the Board of Public Works.

City Council postponed their decision on this matter Tuesday evening, however, pending further study by the Traffic Engineer.

It will therefore be necessary that the Board of Public Works also take this matter under advisement at the Thursday meeting.

You will be notified in writing when the public hearing is rescheduled.

Yours truly,

Donald E. Bodeker

Donald E. Bodeker
Office Manager

DEB:id

cc: Board of Works ✓
Traffic Engineer

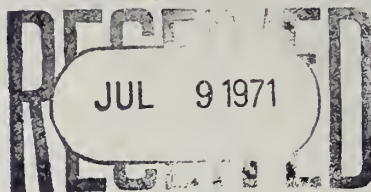
City of Fort Wayne



CITY-COUNTY BUILDING
ONE MAIN STREET

Room 710

57-131-10
BOARD OF PUBLIC WORKS



ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA 46802

July 9, 1971

NOTED



F.S.E.



R.W.D.



EVE

(Copies of this letter sent to all affected property owners).

Date _____

Re: Declaratory Resolution No. 1306-1971 which provides for the vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

The above described alley vacation was taken under advisement at the June 10, 1971 meeting.

City Council approved the vacation June 22nd and the Board of Public Works has rescheduled their meeting for July 15, 1971 at 3:30 P.M.

A copy of the new notice is attached.

Yours truly,

Donald E. Bodeker

Donald E. Bodeker

Office Manager

attach.

DEB:id

cc: Board of Works ✓

NOTICE TO PROPERTY OWNER

Office Board of Public Works

~~XXXXXX~~ city county building
Fort Wayne, Indiana.....

1976

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 122-1971..... providing for the Vaction of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Barn Avenue to a point 120' north thereof.

The Board has fixed Thursday, July 15, 1971 at 3:30 pm in Conference Room 923 a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

S.B. Bond's Amd. Sub. - Beechwood Amd. Add.

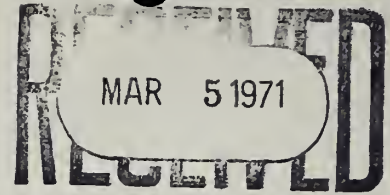
All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

City of Fort Wayne



BOARD PUBLIC WORKS



ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

March 4, 1971

NOTED

☒ F.S.E.
☒ R.W.D.
☐ G.F.G.

Date _____

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate the following:

For the vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

NOTE: This alley vacation has been requested in connection with the proposed new Duemling Medical Building. Although the first phase may not affect the alley, other construction in the near future will. If you require additional information regarding easements or relocating facilities, please contact their architect, Conrad Jankowski, or attorney, Thomas Gallmeyer.

Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Very truly yours,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attach.

cc: Board of Public Works ✓
(Board Order No. 13-1971)

March 4, 1971

William J. Jones
City Plan Director

Tom Manny
Traffic Engineer

Please submit your opinion and recommendation on the following
proposed vacation:

The alley between Fairfield Avenue and South Wayne Avenue
from the north property line of Home Avenue to a point
120 feet north thereof.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works ✓
(Board Order No. 13-1971)



PORTION OF ALLEY TO BE VACATED



NOTICE TO PROPERTY OWNER

Office Board of Public Works

~~City Hall~~ City County Building
Fort Wayne, Indiana.....May 28, 1971.....

1306

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No.....1306-1971..... providing for the Vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120' north thereof.

The Board has fixed ~~Thursday, June 10, 1971 at 3:30 pm in Conference Room.~~ 928 a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

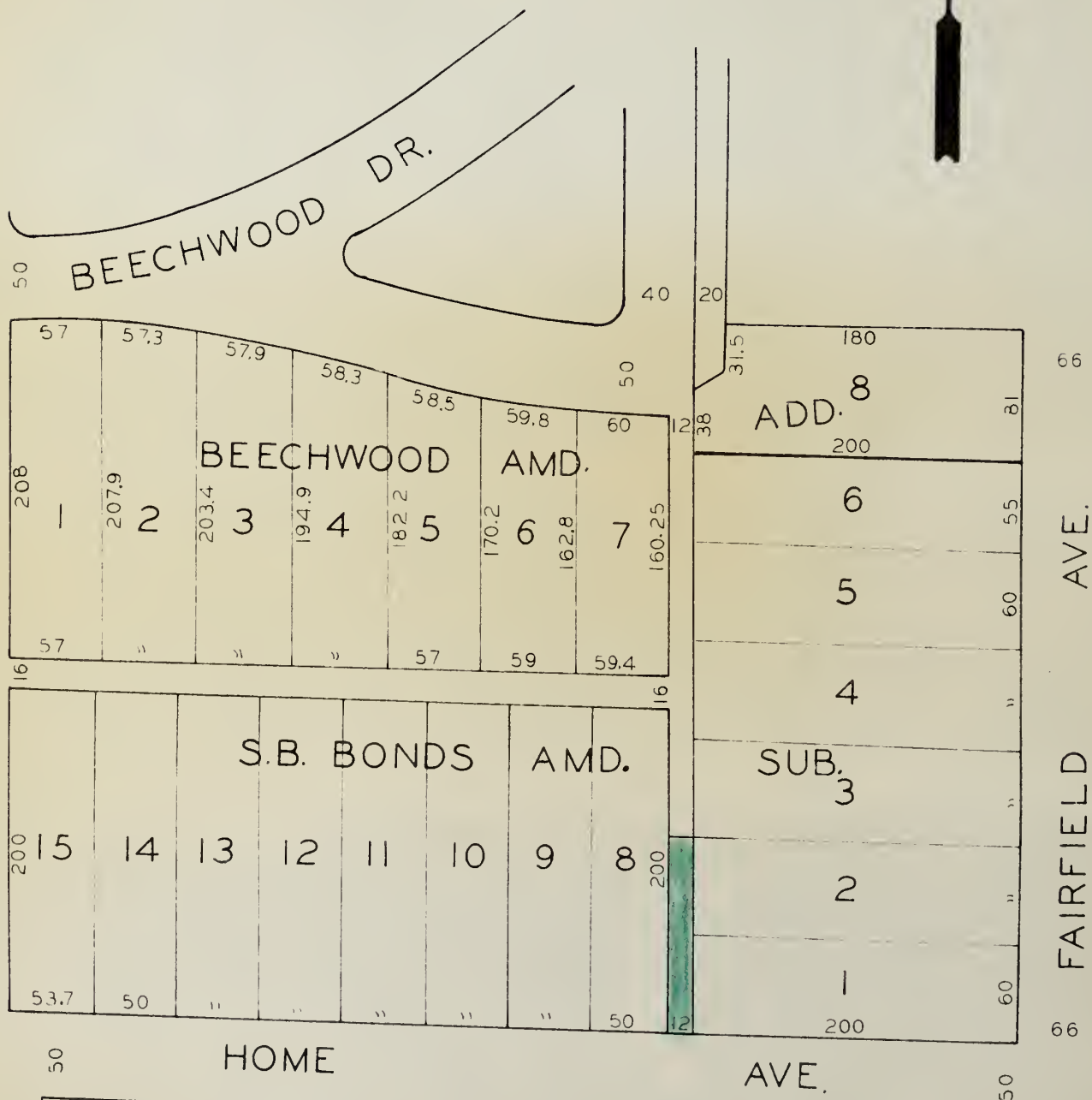
PROPERTY DESCRIPTION:

S.B. Bond's Amd. Sub. - Beechwood Amd. Add.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

 PORTION OF ALLEY TO BE VACATED



NOTICE TO PROPERTY OWNER

Office Board of Public Works

~~City Hall~~ city county building
Fort Wayne, Indiana..... July 9, 1971

1306

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 1306-1971..... providing for the Vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120' north thereof.

The Board has fixed Thursday, July 15, 1971 at 3:30 pm in Conference Room 928 a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

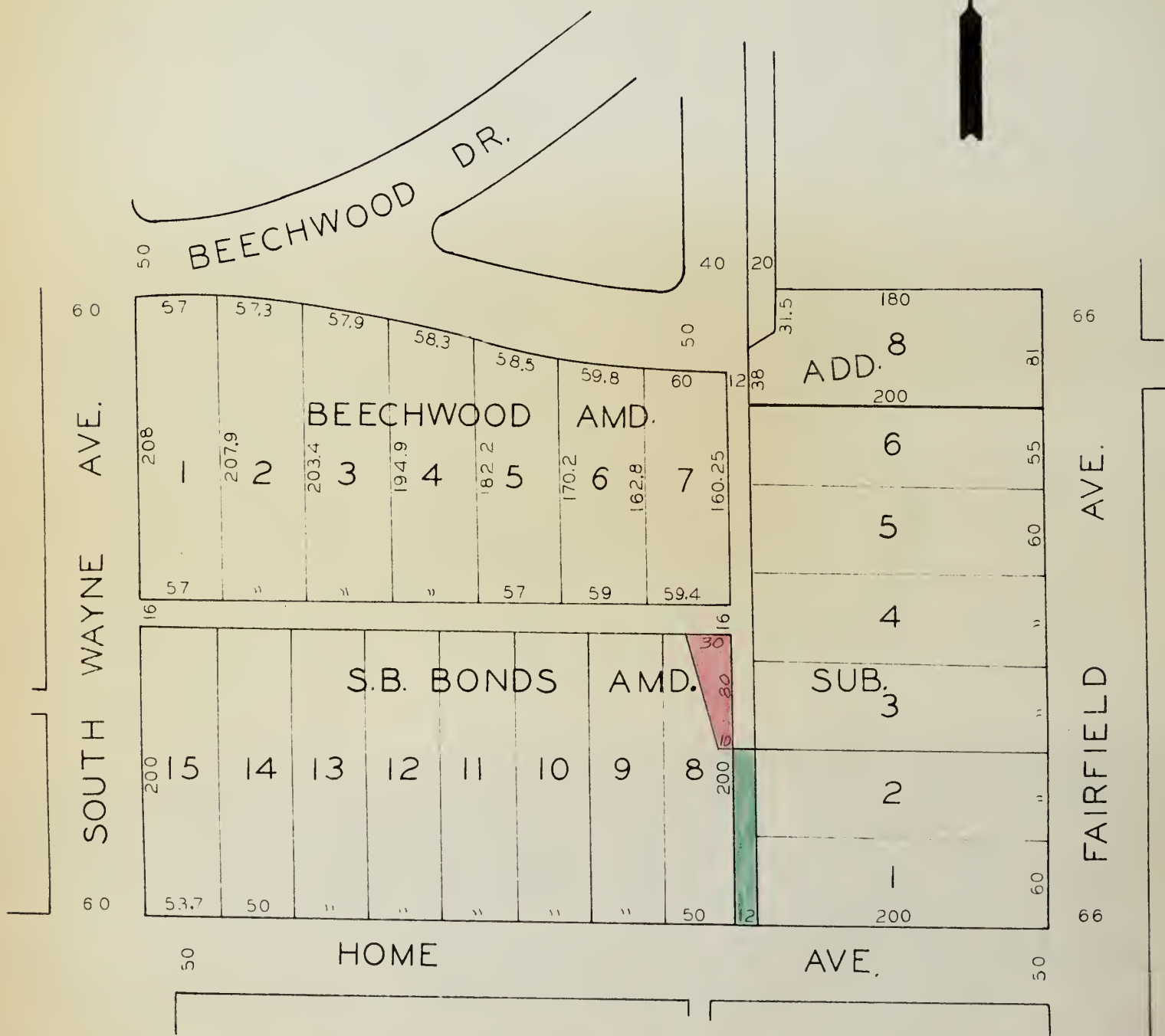
PROPERTY DESCRIPTION:

S.B. Bond's Amd. Sub. - Beechwood Amd. Add.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

 PORTION OF ALLEY TO BE VACATED



Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

JUN 4 1971

1

31

5

37

COMPUTATION OF CHARGES

37 lines,.....columns wide equals.....equivalent lines at \$288¢.....
cents per line

\$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 10.66

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type.....5½.....point

Number of insertions.....2.....

Size of quad upon which type is cast.....5½.....

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date May 29, 1971

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

May 21, 1971

May 28, 1971

Subscribed and sworn to before me this 29th day of May 1971

Edith Stapleton
Notary Public

My commission expires March 8, 1974

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 17th day of May, 1971 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION
NO. 1306-1971

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 10th day of June, 1971 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

FRED S. EHRLMAN,
ROBERT W. DAHMAN,
EDWARD V. ELKINS,
BOARD OF PUBLIC WORKS.
Attest: KENNETH M'GRAW, Clerk.
5-21, 28.

Claim No. Warrant No.

IN FAVOR OF

\$.....

On Account of Appropriation for

Appropriation No.

Allowed....., 19.....

In the sum of \$.....

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
 } Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Board of Public Works, City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

31

5

37

COMPUTATION OF CHARGES

37 lines, columns wide equals equivalent lines at 288¢
cents per line

\$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 10.66

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date May 29, 1971

Title CLERK

Legal Notices

NOTICE TO PROPERTY OWNERS
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 17th day of May, 1971 the said Board deeming it necessary to make certain improvements adopted the following:**DECLARATORY RESOLUTION**
NO. 1306-1971

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 10th day of June, 1971 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

FRED S. EHRMAN,
ROBERT W. DAHMAN,
EDWARD V. ELKINS,
BOARD OF PUBLIC WORKS
Attest: KENNETH M'GRAW, Clerk.
5-21, 28.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

May 21, 1971

May 28, 1971

Subscribed and sworn to before me this 29th day of May 1971

Edith Stapleton
Notary Public

My commission expires March 8, 1974

Claim No..... Warrant No.....

IN FAVOR OF

\$.....

On Account of Appropriation for

Appropriation No.....

Allowed....., 19.....

In the sum of \$.....

I have examined the within claim and hereby certify as follows:
That it is in proper form.
That it is duly authenticated as required by law.
That it is apparently } Correct
 { Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Sample
file copy

Department of Public Works

Office of the Board: Room No. 910 City-County Building

Fort Wayne, Indiana, July 10, 1972

Duemling Medical Building, Inc.

2902 Fairfield Avenue

Fort Wayne, Indiana 46807

City:

Notice is hereby given you that an assessment of benefits, or award of damages, on account for the vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

		BENEFITS	DAMAGES
LOT No. 1	S. B. Bond's Amd. Sub.	\$1.00	\$1.00
NO. 2	"	\$1.00	\$1.00
No. 3	"	\$1.00	\$1.00

All in pursuance to Declaratory Resolution No. 1306-1971, adopted by the Board of Public Works of said City, on the 15th day of July, 1971, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at 3:30 o'clock P. M., on the 20th day of July, 1972, for the purpose of hearing and considering any remonstrance which you may desire to present in regard to the amount of your assessment of benefits or award of damages, as aforesaid.

By Order of

BOARD OF PUBLIC WORKS.

B/w File
BOARD OF PUBLIC WORKS

RECEIVED
SEP 24 1973
RECEIVED

City-County Building, Room 920

September 21, 1973

Mr. John C. Parkhurst
2732 Fairfield Avenue
Fort Wayne, Indiana

Subject: Alley Vacation Resolution 1306-71
(Deumaling Clinic)

Dear Mr. Parkhurst:

The Board of Works approved the above captioned alley vacation with certain stipulations. I understand the only stipulation not satisfied at this time is the relocation of the utility pole located at the southwest corner of the intersection of the two alleys.

Mr. Jim Delaney of our Electrical Engineering Department has been working with I & M and General Telephone in trying to develop a design to relocate this pole and still maintain the integrity necessary for the utility operations. He advises that to relocate this pole, it is necessary that an easement be obtained from you to properly anchor the pole, giving the structural support required. I understand he has been in contact with you on this point several times.

Mr. Delaney reports that you are unwilling to give this required guyline easement, and, therefore, it is impossible to relocate the pole as originally proposed.

Mr. Delaney also reports that National Serv-All is able to negotiate this corner with the existing pole; and while they would prefer to have it relocated, do not feel it is mandatory to provide adequate service.

The Board of Works is anxious to close our files on this alley vacation. It appears, based upon the information supplied to us, that it is not feasible to relocate the pole. I am writing to you to inform you of this situation. If the information I have indicated is not correct, or if you still want the pole relocated, I would appreciate hearing from you within the next 30 days. If I do not hear from you within that time, I will assume that you concur in these points and will consider the matter closed.

Yours truly,

Ronald L. Bonar
BOARD OF PUBLIC WORKS

RLB:rs
cc: ✓ Dr. Boswell
Jim Delaney

Ron. This whole project seems unusual.

Jan 11, 1972

Dec. Reg.
1306

We have Suenling Clinic entering into an agreement with the residents to have a third party, the utilities, move their facilities in the public alley right of way.

I believe Suenling should be contacted to give P.O.s to the 3 utilities involved to relocate their facilities. This would be strictly a good faith proposition, since I don't believe the agreement between Suenling & the residents covers movement of poles in the alley right of way, although I'm sure this was the intent of the residents.

OK
to Suenling
and contact
Suenling
and get
and details

Sent
1-12

I sent the
updated
sketches

Jan Delaney

January 10, 1973

To: I & M Electric Company
General Telephone Company
City Light

Subject: Alley Vacation Declaratory Resolution 1306-71
Alley between South Wayne & Fairfield 120' north
of Home Avenue

Gentlemen:

Pursuant to the petition of the owners of the Deumling Clinic, this Board has vacated the above captioned alley. As a consideration of this vacation, the owners made an agreement with the affected property owners to accomplish certain items. One of these items includes the relocation of the existing utility pole at the intersection of these two alleys at their expense.

Attached is a sketch of the existing utility installations at this location showing the pole in question indicated as T 102/269.

The Board requests that you each work together to have this pole relocated to the north a distance of 20 feet or more so that compacter trucks collecting solid waste can negotiate this turn. We would appreciate if this work could be scheduled within the next 90 days.

By a copy of this letter we are asking Jim Delaney of the Electrical Engineering Department of City Light to coordinate this effort. Your cooperation is solicited.

Yours truly,

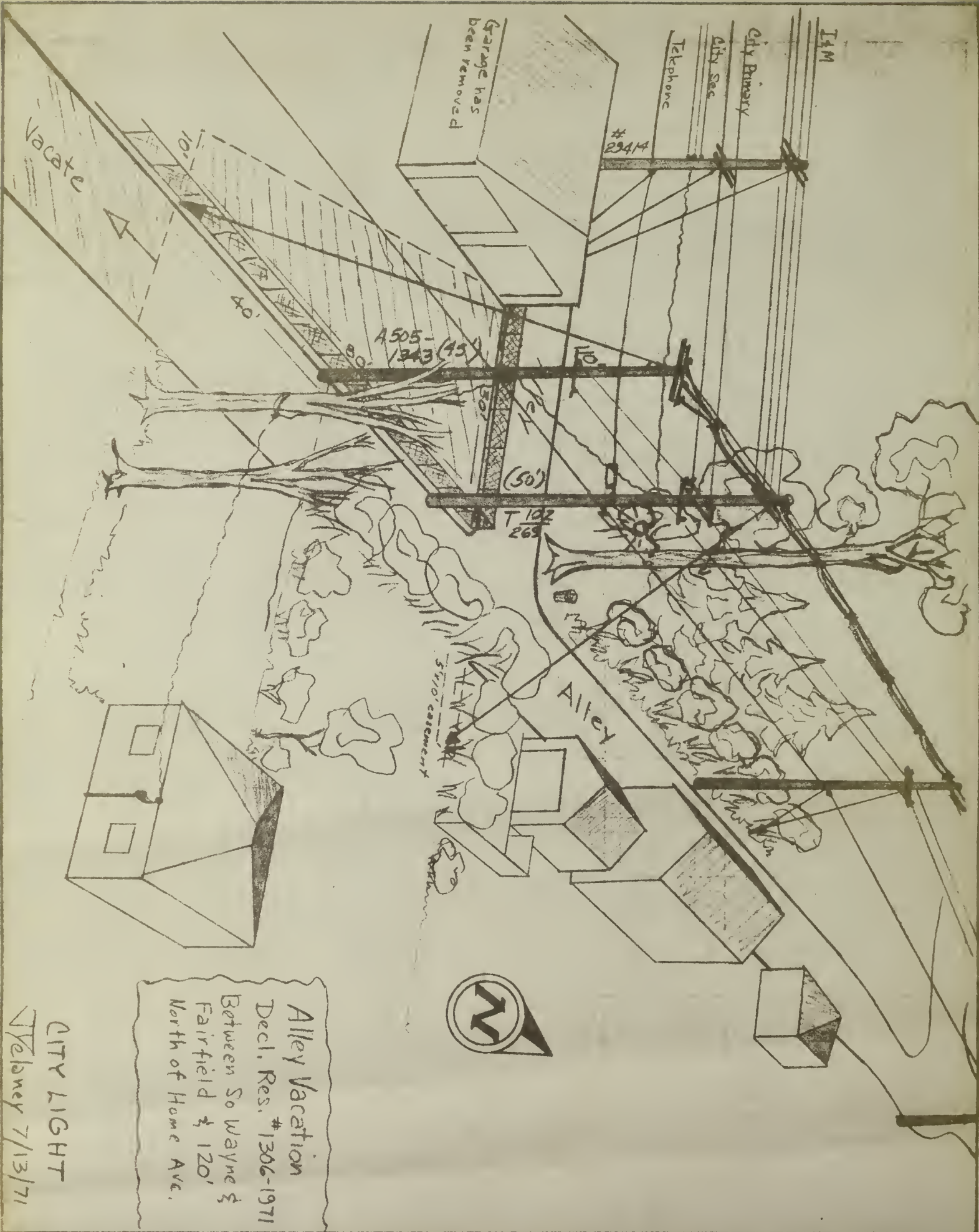
BOARD OF PUBLIC WORKS

J. D. Boswell
Ronald L. Bunker
William D. Thibault

irs

Enc.

cc: Jim Delaney
Dr. Eugene Senseny
Tom Gallmayer, Atty.



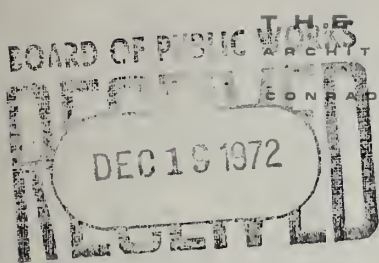
Alley Vacation
Decl. Res. #1306-1971
Between So Wayne &
Fairfield & 120'
North of Home Ave.

CITY LIGHT

Meloney 7/13/71

Revised 1/11/72

Edna - file in
R/W Vacation file



THE OFFICE OF JANKOWSKI ■ SCHULZ
ARCHITECTS ■ PLANNERS
CONRAD C. JANKOWSKI .AIA. 1888 FREDERICK A. SCHULZ .AIA. 2030

December 15, 1972

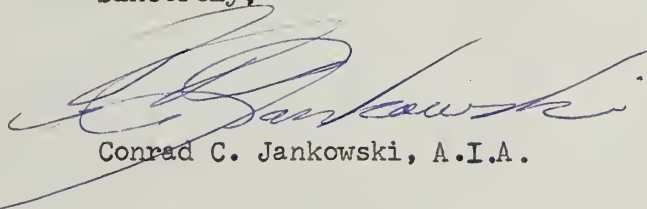
Mr. Ron Bonar
Member Board of Works
City-County Building
Fort Wayne, Indiana

Reference: Duemling Medical Building

Dear Ron:

Pursuant to your request we are forwarding a letter written to our firm on May 20, 1971 from National Serv-All regarding garbage collection.

Sincerely,



Conrad C. Jankowski, A.I.A.

CCJ:vs

cc: Vern E. Sheldon

National Serv-All

1115 1/2 E. CLINTON ST.
FORT WAYNE, INDIANA 46802

PHONE: 743-5216

PHONE: 422-0225

May 20, 1971

Jankowski & Schultz
Architects
6001 S. Anthony Blvd.
Fort Wayne, Indiana

RE: Duemling Clinic

Dear Mr. Schultz:

If alley adjacent to the new Duemling Clinic Building is vacated, this will in no way affect Mr. Meitz's garbage collection at 2810 Fairfield Avenue.

Sincerely yours,

Chuck Walbridge, Manager of
NATIONAL SERV-ALL, INC.

Elizabeth E. Marshall

Elizabeth E. Marshall,
ENVIRONMENTAL CONSULTANT of
NATIONAL SERV-ALL, INC.

1b

Original sent to Herb Tipton - City Council 5-21-71

FORT WAYNE, INDIANA 46802

Edna -
NOTED

City-County Building, Room 920

September 21, 1973

Mr. John C. Parkhurst
2732 Fairfield Avenue
Fort Wayne, Indiana

Subject: Alley Vacation Resolution 1306-71
(Deumling Clinic)

Dear Mr. Parkhurst:

The Board of Works approved the above captioned alley vacation with certain stipulations. I understand the only stipulation not satisfied at this time is the relocation of the utility pole located at the southwest corner of the intersection of the two alleys.

Mr. Jim Delaney of our Electrical Engineering Department has been working with I & M and General Telephone in trying to develop a design to relocate this pole and still maintain the integrity necessary for the utility operations. He advises that to relocate this pole, it is necessary that an easement be obtained from you to properly anchor the pole, giving the structural support required. I understand he has been in contact with you on this point several times.

Mr. Delaney reports that you are unwilling to give this required guyline easement, and, therefore, it is impossible to relocate the pole as originally proposed.

Mr. Delaney also reports that National Serv-All is able to negotiate this corner with the existing pole; and while they would prefer to have it relocated, do not feel it is mandatory to provide adequate service.

The Board of Works is anxious to close our files on this alley vacation. It appears, based upon the information supplied to us, that it is not feasible to relocate the pole. I am writing to you to inform you of this situation. If the information I have indicated is not correct, or if you still want the pole relocated, I would appreciate hearing from you within the next 30 days. If I do not hear from you within that time, I will assume that you concur in these points and will consider the matter closed.

Yours truly,



Ronald L. Bonar
BOARD OF PUBLIC WORKS

RLB:rs

cc: Dr. Boswell
Jim Delaney

Memorandum

To Mr. Ron Bonar, Board of Public Works

Date July 25, 1973

From James Delaney, Electrical Engineer
Duemling Clinic Easement Vacation

Subject (Summary of Corner Pole Relocation at Alley Intersection)

COPIES TO:

Mr. Ray Danford
Engineering Dept.
Indiana & Michigan

Dear Ron:

SOLUTION I

The best solution to relocation of the corner pole in question (I 102/269) is to move it to the east side of the north-south alley and to make a mid span tap to intercept the north-south lines of I & M, City Light and General Telephone. All three utilities agree that this is the most desirable solution.

This relocation requires additional guy lead (10') to allow for adequate guying of the east-west lines. The property owners affected by the guying easement are not interested in granting the additional easement.

SOLUTION II

The alternate solution to relocation of the corner pole is to move the first pole west, further west, and then extend the guy lead on that pole to hold the lines to the west. Then the corner pole would be moved to the east side of the alley and the minimal 10' guy lead used to try to hold the mid span tap as proposed in the first solution above. I & M feels this guy lead is less than adequate and that Solution II is undesirable.

John Parkhurst has taken the cause of the neighborhood and National Serv-All in trying to get the corner pole relocated. He and his neighbor to the south have granted to I & M the original 10' guying easement, but are reluctant to grant any more. Duemling Clinic has agreed to pay for costs in relocating the pole. National Serv-All has not asked to have the pole moved, but, of course, will be glad to see it moved.

It appears that Duemling is willing to uphold their part of the bargain and I & M, City Light and General Telephone are willing to relocate, but would prefer a sound design. It is also generally felt that since Mr. Parkhurst is pushing for the relocation that his cooperation on the guying easement would be appropriate.

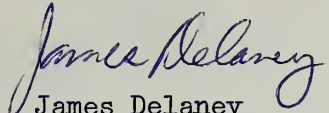
At this point we are at a stalemate and Mr. Parkhurst stated that if the pole can't be relocated without the additional easement then it will just have to stay where it is and he won't fight it anymore.

BOARD OF PUBLIC WORKS
RECEIVED
JUL 26 1973
Write letter to
Parkhurst and explain
my report, ask for
comment or leave as is

Mr. Ron Bonar
July 25, 1973
Page Two

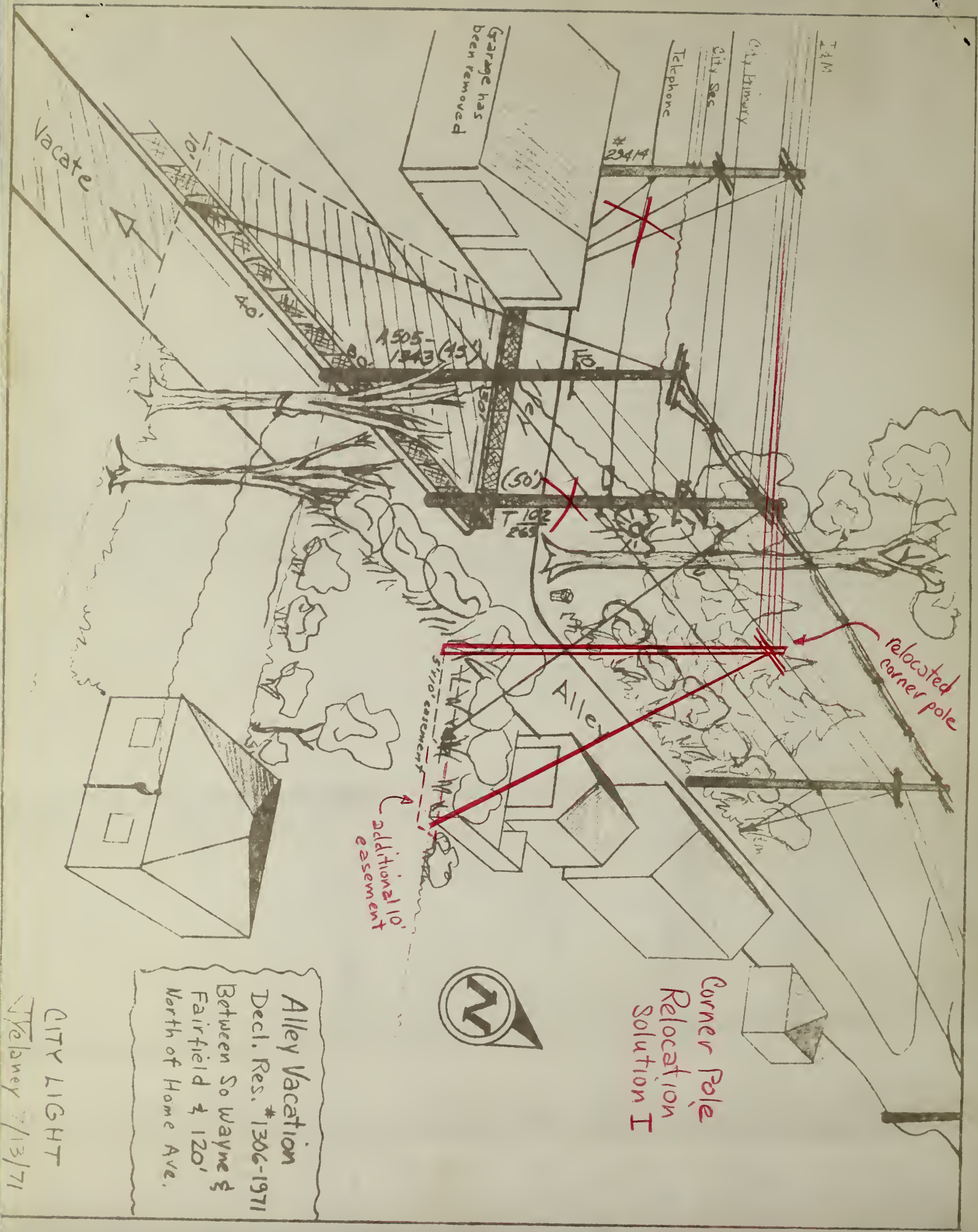
If it is the Board's wish to relocate the pole according to
Solution II, I & M would reluctantly comply.

Sincerely,


James Delaney
Electrical Engineer

enc.

JAD:sc



CITY LIGHT
7/13/71

Alley Vacation
Decl. Res. #1306-1971
Between So Wayne &
Fairfield & 120'
North of Home Ave.

Corner Pole
Relocation
Solution I

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH that FUEMLING MEDICAL BUILDING, consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, hereby gives, grants, and conveys, with warranty, to the CITY OF FORT WAYNE, Allen County, in the State of Indiana, an Indiana municipal corporation, its successors and assigns a perpetual right-of-way and easement to permit the passage of vehicular traffic in and along the following described real estate in Allen County, State of Indiana, to-wit:

Commencing at a point on the Northeast corner of Lot Number Eight (8) in S. B. Bond's Amended Subdivision to the City of Fort Wayne; thence South along the East line of said lot a distance of 80 feet; thence West a distance of 10 feet; thence in a Northwesterly direction to a point on the North line of said Lot Number Eight (8) a distance of 30 feet West of the Northeast line of Lot Number Eight (8); thence East 30 feet along the North line of said Lot Number Eight (8) to the place of beginning.

Said easement is granted subject to the following conditions:

1. Any damages to real estate or appurtenances adjoining or adjacent owned by the Grantor adjoining the real estate above described caused by the Grantee shall be paid for by the Grantee sustaining such damage.

2. Grantor reserves all rights to the use of the premises inconsistent with the use of the easement for the purpose of the easement granted.

The undersigned hereby covenant that they are the owners of the above described real estate, are lawfully seised, have good right to grant and convey said easement hereunto, the quiet possession thereof, and that the Grantor will maintain and defend the title to the said easement against all

These presents to be binding on the Grantor and its respective representatives, successors, and assigns, and upon the Grantee and its respective successors, representatives, and assigns.

IN WITNESS WHEREOF, the undersigned Grantor executes this instrument this 28th day of June, 1971.

DUEMLING MEDICAL BUILDING, INC.

By: Richard M. Craig
Richard M. Craig, President

Attest:

Eugene F. Sence
Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 28th day of June, 1971, personally appeared Richard M. Craig, President, and Eugene F. Sence, Secretary, and acknowledged the execution of the foregoing Grant of Easement to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Sylvia L. Lyman
Notary Public Sylvia L. Lyman

My Commission Expires:

March 8, 1974

Prepared by Thomas A. Gallmeyer, Attorney at Law
Mezzanine Floor, Indiana Bank Building
Fort Wayne, Indiana 46802

1306
John Parkhurst

not completed -

Pace up for discussion

Dr. Senary - Tom Galsmeyer

November 27, 1972

Fort Wayne Board of Zoning Appeals

Subject: Cases 70-1972-Z and 71-1972-Z

Gentlemen:

We noticed in your memorandum of November 17, 1972, that the above two cases involving the Duemling Medical Clinic are scheduled for hearing on November 30, 1972, at 7:30 p.m. Please be advised that this Board has been petitioned to vacate certain alleys in connection with this new construction. Remonstrances were filed by the neighbors listing several objections to this alley vacation. The petitioners made an agreement with the neighborhood to accomplish certain improvements prior to the alley vacation. Much to our disappointment, these items have not been completed by the petitioner to date; and this Board has continued from time to time the question of the alley vacation.

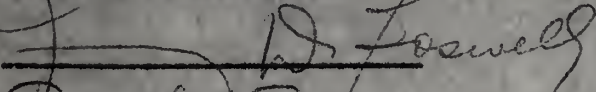
We notified the petitioner on November 10, 1972, that the vacation hearing was continued until December 14, 1972, and that in the event these items were not taken care of by that time, all action would be rescinded.

We pass the above along for your information and suggest that until such time as the petitioner has fulfilled his commitments, it may be prudent to hold in abeyance any further approvals.

If you have any questions, please feel free to contact this Board.

Yours truly,

BOARD OF PUBLIC WORKS




NOV 17 1972

November 17, 1972

File

LEGAL AD NOTICE FOR NOVEMBER 30, 1972 BOARD OF ZONING APPEALS HEARING

Notice is hereby given that the Board of Zoning Appeals will conduct a Public Hearing on Thursday, November 30th, 1972 at 7:30 P.M. at the City-County Building, One Main Street, Fort Wayne, Indiana, on the following appeals from the decisions of the Building Commissioner in the enforcement of the Zoning Ordinances.

1. CASE No. 66-1972-Z
Appealing for a variance from a side yard requirement to construct a two car attached garage on an existing building of a single family residence. R-2 District. 2530 Reynolds St.
2. CASE No. 67-1972-Z
Appealing for a variance from the lot coverage, front yard and rear yard requirements, to construct an addition to the front and rear of church edifice. R-2 District. 1213 St. Marys Ave.
3. CASE No. 68-1972-Z
Appeal for a special use permit to establish a Methadone Treatment center at 2601 S. Lafayette. B33 District.
4. CASE No. 69-1972-Z
Appeal for a variance from the front yard set back requirement for the purpose of moving a sign. B-A District. 323 E. Coliseum Blvd.
5. CASE No. 70-1972-Z
Appeal for a variance from the height requirement to establish an eight story Medical Clinic in an R-2 District. 2902 Fairfield Ave.
6. CASE No. 71-1972-Z
Appeal for a contingent use permit to establish a parking area within 300 feet of an existing Medical Clinic. R-2 District. 2902 Fairfield
7. CASE No. 72-1972-Z
Appeal for a variance from the front yard set back requirement for the erection of a new sign on a property which is zoned R-A and is a nonconforming use. 4114 Covington Rd.

ALL PERSONS INTERESTED ARE INVITED TO ATTEND AND BE HEARD

FORT WAYNE BOARD OF
ZONING APPEALS

By: Joan M. Gutermuth
Secretary

cc: Mayor Lebamoff
Dr. Boswell ✓
File

November 17, 1972

Mr. Thomas A. Gallmeyer
Mezzanine Floor
Indiana Bank Building
Fort Wayne, Indiana

Re: Declaratory Resolution 1306-72

Dear Mr. Gallmeyer:

Regarding Grant of Easement to the City of Fort Wayne from Duemling Medical Building, Inc., the Board of Works wishes you to omit the words "fourteen (14) foot" as shown in red on attached copy. Also, please provide date of execution of said Grant and return.

Very truly yours

Board of Public Works

Clerk

EIS/dlj
Enclosure

November 10, 1972

Mr. Richard M. Craig
Duemling Medical Building, Inc.
2902 Fairfield Avenue
Fort Wayne, Indiana 46807

Re: Declaratory Resolution 1306-1971 - Vacation of
Alley between Fairfield Avenue and South Wayne
Avenue from the North Property Line of Home Avenue
to a point 120' North thereof.

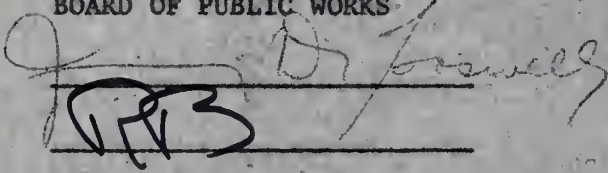
Gentlemen:

It was brought to the attention of the Board at the continued hearing on confirmation of the Assessment Roll for the above, held November 9, 1972, that no steps have been taken to fulfill the requirements agreed upon in order to obtain Vacation of the subject alley.

The determination of this Board was that confirmation of assessment will be continued to December 14, 1972. On this date the petitioner must show proof of completion of the requirements as set out in the Agreement dated July 24, 1971, or the Board's only recourse will be to Rescind All Action on said Vacation.

Yours truly,

BOARD OF PUBLIC WORKS



:rs

cc: Dr. Eugene F. Senseny
Mr. Thomas A. Gallmeyer, Atty.
Mr. John G. Reiber, Atty.
Mayor Ivan Lebamoff

WILLIAM B. MERRILL

NOTED

JOHN G. REIBER

☐ J.D.B.

☒ R.L.B.

☐ W.G.W.

MERRILL & REIBER
ATTORNEYS AT LAW
1418 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802
AREA CODE 219 TELEPHONE 742-0205

Date _____

BOARD OF PUBLIC WORKS

RECEIVED
JUL 24 1972

July 21, 1972

Board of Works of the City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

In re: Declaratory Resolution No. 1306-1971
Vacation of alley between Fairfield Avenue and
South Wayne, north of Home Avenue
Duemling Clinic Building
(File R-436)

Gentlemen:

Mr. John C. Parkhurst of 2732 Fairfield Avenue, Fort Wayne, Indiana, who I have represented in the past in the above alley problem, called me, stating that he had attended the meeting yesterday on the above.

Since all of the provisions of the agreement entered into between Duemling Medical Building, Inc. and the residents and owners of the real estate in the area affected, have not been completed, we were under the impression that the hearing would be continued until the medical building is completed and all of the provisions of said agreement had been complied with. I didn't think it was necessary for Mr. Parkhurst and the neighbors to be involved with further attorney fees on my behalf, thus I did not attend your meeting yesterday.

Said agreement signed by the Duemling and the neighbors was not recorded in the Allen County Recorder's office. This we thought would save the neighbors the additional abstracting expense which would be needed to show the agreement.

Since the instrument was not recorded, it does not show in the Duemling abstract and thus I do not believe this would be brought to the attention of the title insurance company and would thus not affect the approval of the title insurance on their new building.

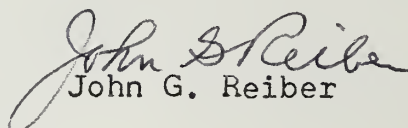
From the information available to me, it appears that, if the hearing is continued until the building is completed and the agreement has been completed, no one will be subject to addi-

Board of Works -- page 2

July 21, 1972

tional expenses or inconvenienced. May I suggest that this matter be so continued.

Very truly yours,


John G. Reiber

JGR/jch

cc: Mr. John C. Parkhurst

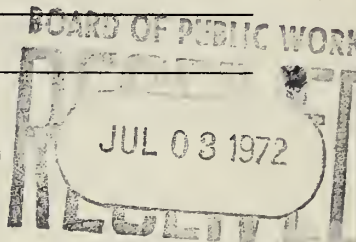
TRAFFIC ENGINEERING DEPARTMENT

file B/W Res 1306-71

Report No. _____ Sheet 1 of 2 Date July 3 1972

To: Ron Bonar City Engineer

Subject: Duemling Clinic Alley Vacation (Decl. Res. No. 1306-1971)



I have reviewed all correspondence and agreements in connection with subject alley vacation. Completed items are as follows:

- A. Indiana & Michigan Electric Co. and General Telephone Co. required an underground utility easement which has been signed and recorded.
- B. The fence has been removed from the easement area granted for vehicular traffic purposes, in accordance with Mr. Reiber's letter dated December 6, 1971.
- C. A right of trespass agreement was signed allowing area residents to walk across clinic property between Home Avenue and the remaining portion of the public alley.

The following items remain unresolved:

- A. Water Pollution Control Engineering requires a utility easement. Although a new sewer was rerouted around the building, an easement is required at the extreme north and south ends of the vacated alley.
- ✓ B. Sufficient barriers are to be installed to prevent automobiles which are using the Duemling parking lot from going onto or coming from public alleys in the block. Also, an opening is to be provided through this same area for pedestrians.
- C. All Duemling parking areas are to be hard surfaced and barriers or drains constructed which would prevent surface water from draining onto the public alleys.

DISPOSITION OF REPORT

Approved _____ 19____ Rejected _____ 19____
 Hold _____ 19____ Rescinded _____ 19____ Other _____ 19____

TRAFFIC ENGINEERING DEPARTMENT

Report No. _____ Sheet 2 of 2 Date July 3 1972

D. Asphalt removal and patching is necessary in the area where the vehicular traffic easement meets the east-west alley, due to a difference in elevation.

E. A pole at the intersection of the two alleys has not been relocated. This pole is heavily loaded with utility lines running in three directions and is the most controversial item connected with the vacation.

The gist of this situation is that area residents want the pole moved and Duemling has signed an agreement to pay all the expenses; however, the utility companies are very much opposed to the move until such time as it is actually proven a necessity for negotiating the turn rather than just a convenience. In all probability, this decision will ultimately be up to the Board of Public Works.

If further information is necessary, please advise.

Don

Donald Bodeker

DEB/km
cc: Board of Public Works
Street Engineering
File (2)

MERRILL & REIBER
ATTORNEYS AT LAW
1418 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802
AREA CODE 219 TELEPHONE 742-0205

NOTED

☐ F.S.E.
☐ R.W.D.
☐ EVE

December 6, 1971

Date _____

Board of Public Works
City of Fort Wayne
City-County Building
1 Main Street
Fort Wayne, Indiana 46802

In re: Declaratory Resolution No. 1306-1971
Vacation of alley between Fairfield Avenue and South
Wayne Avenue
R-436

Gentlemen:

Back in July of this year the Board of Public Works passed the above resolution with certain conditions and in accordance with a certain agreement dated July 24, 1971, which agreement was executed by the Duemling Medical Building, Inc. and the residents of the area.

The area adjacent to the subject alley intersection and which was the subject of an easement from Duemling Medical Building, Inc. to the City was given for the purpose of providing sufficient turn around area at the intersection of the alley. The easement area had a fence around it, which fence was to be removed within at least a reasonable time. Also the utility pole was to be moved so that vehicles could make the turn at the intersection of the alley.

I have been informed by the residents of the area that construction has been started by the Duemling Medical Building, Inc. in the area, which construction closed the alley, but the fence still remains and so does the utility pole. This violation has been brought to the attention of several interested persons but it has not been corrected.

As attorney for the area residents, we are asking that your office take whatever action it can to have the said fence and pole removed in accordance with the understanding and agreement of all the parties.

I want to thank you for your courtesies in this matter.

Very truly yours,


John G. Reiber

JGR/jch

Board of Public Works -- page 2

December 6, 1971

cc: Duemling Medical Building, Inc.
2902 Fairfield Avenue
Fort Wayne, Indiana 46807

cc: Mr. Thomas A. Gallmeyer, Attorney
Indiana Bank Bldg.
Fort Wayne, Indiana 46802

Parkhurst

AGREEMENT

WHEREAS, Duemling Medical Building, Inc., hereafter called "Duemling," owns certain real estate fronting on Home Avenue, between Fairfield Avenue and South Wayne Avenue, and certain real estate fronting on Fairfield Avenue near Home Avenue, all in the City of Fort Wayne, Allen County, Indiana,

WHEREAS, Duemling is taking certain legal steps to vacate the north-south alley between said Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof,

WHEREAS, the owners and/or residents of the other real estate in said area and bounded by said Home Avenue, said Fairfield Avenue, Beechwood Drive and South Wayne Avenue, in the City of Fort Wayne, have discussed the problems in relation to the projected future activities of Duemling and the problems involved by reason of the vacation of said alley,

WHEREAS, Duemling has agreed with said residents and owners and the Board of Works of the City of Fort Wayne to do certain things in consideration of said residents and owners not objecting to the vacation of said alley,

NOW, THEREFORE, in consideration of said residents and owners not objecting to the vacation of said alley, Duemling agrees that:

1. Said residents and owners have the right to walk upon, over and through said described Duemling real estate fronting on Home Avenue,

2. Said Duemling will provide a reasonable point of ingress and egress at or near said vacated alley so that said residents and owners may go to and from said Home Avenue from said north-south alley and in the vicinity of said vacated alley.

3. It will erect sufficient barriers to stop automobiles, which are using said Duemling property from going onto or coming

from the alleys in the area bounded by said Fairfield Avenue, Home Avenue, Beechwood Drive and South Wayne Avenue.

✓4. It will hard surface its parking areas on said Duesmeling real estate and will construct barriers and drains in sufficient size and quantity to prevent its surface water from running or draining onto said alleys. *Part of phase II*

✓5. It will pay all expenses for removal of utility poles in the easement, which it has given to the City of Fort Wayne, Indiana, affecting part of the Northeast corner of Lot No. 3 in S. B. Bond's Amended Subdivision to the said City of Fort Wayne, Indiana.

6. That this action and agreement has been approved by the Board of Directors of said Duesmeling Medical Building, Inc.

IN WITNESS WHEREOF, the Duesmeling Medical Building, Inc. has caused this agreement to be duly executed in its name and on its behalf by its duly authorized officers and the affixing hereto of its corporate seal, this 24th day of July, 1971.

DUEMLING MEDICAL BUILDING, INC.

By

Richard M. Craig
Its

President

ATTEST:

By

Eugene F. Sanson
Its

Secretary

STATE OF INDIANA }

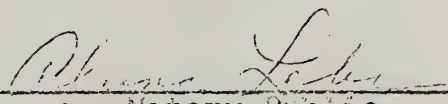
SS:

COUNTY OF ALLEY }

On the 28th day of July, 1971, before the undersigned, a Notary Public in and for said county and state, personally appeared Richard M. Craig and Eugene F. Sanson and stated that they are the President and Secretary, respectively, of Duesmeling Medical Building, Inc., an Indiana corporation, and acknowledged the execution of the fore-

going agreement for and on behalf of said corporation.

Witness my hand and notarial seal.


Alvina Lehr Notary Public

My Commission expires:

May 13, 1975

Prepared by:

John G. Reiber
Attorney at Law
1413 Anthony Wayne Bank Bldg.
Fort Wayne, Indiana 46802

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 13-'71 .

Date July 15, 1971 57-137-2

To City Engineer

Subject Dec. Res. No. 1306-1971 - Alley between Fairfield Ave., & So. Wayne Ave.

The above Declaratory Resolution was CONFIRMED - Conditioned on correction of a drainage problem, an agreement for right of tresspassing, and in the event a pole must be removed, it shall at the expense of developer.

Prepare Assessment Roll.

Fred S. Ehrman
Robert W. Dahman
Edward V. Elkins
BOARD OF PUBLIC WORKS

br
encl. P.O.L.

Signed _____

Reply:

July 5, 1972

Assessment of roll of benefits and damages completed and attached.

See attached report on conditions and corrections.

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer

lc
attach.

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

TRAFFIC ENGINEERING DEPARTMENT. ●

Report No. _____ Sheet 1 of 2 Date July 3 1972

To: Ron Bonar City Engineer

Subject: Duemling Clinic Alley Vacation (Decl. Res. No. 1306-1971)

I have reviewed all correspondence and agreements in connection with subject alley vacation. Completed items are as follows:

A. Indiana & Michigan Electric Co. and General Telephone Co. required an underground utility easement which has been signed and recorded.

B. The fence has been removed from the easement area granted for vehicular traffic purposes, in accordance with Mr. Reiber's letter dated December 6, 1971.

C. A right of trespass agreement was signed allowing area residents to walk across clinic property between Home Avenue and the remaining portion of the public alley.

The following items remain unresolved:

A. Water Pollution Control Engineering requires a utility easement. Although a new sewer was rerouted around the building, an easement is required at the extreme north and south ends of the vacated alley.

B. Sufficient barriers are to be installed to prevent automobiles which are using the Duemling parking lot from going onto or coming from public alleys in the block. Also, an opening is to be provided through this same area for pedestrians.

C. All Duemling parking areas are to be hard surfaced and barriers or drains constructed which would prevent surface water from draining onto the public alleys.

DISPOSITION OF REPORT

Approved _____ 19____ Rejected _____ 19____

Hold _____ 19____ Rescinded _____ 19____ Other _____ 19____

TRAFFIC ENGINEERING DEPARTMENT

Report No. _____ Sheet 2 of 2 Date July 3 1972

D. Asphalt removal and patching is necessary in the area where the vehicular traffic easement meets the east-west alley, due to a difference in elevation.

E. A pole at the intersection of the two alleys has not been relocated. This pole is heavily loaded with utility lines running in three directions and is the most controversial item connected with the vacation.

The gist of this situation is that area residents want the pole moved and Duemling has signed an agreement to pay all the expenses; however, the utility companies are very much opposed to the move until such time as it is actually proven a necessity for negotiating the turn rather than just a convenience. In all probability, this decision will ultimately be up to the Board of Public Works.

If further information is necessary, please advise.

DEB

Donald Bodeker

DEB/km

cc: Board of Public Works
Street Engineering ✓
File (2)

B.O. 13-'71

July 15, 1971 57-137-2

City Engineer

Dec. Res. No. 1306-1971 - Alley between Fairfield Ave., & So. Wayne Ave.

The above Declaratory Resolution was CONFIRMED - Conditioned on correction of a drainage problem, an agreement for right of trespassing, and in the event a pole must be removed, it shall at the expense of developer.

Prepare Assessment Roll.

Fred S. Ehrman
Robert W. Dahman
Edward V. Elkins

BOARD OF PUBLIC WORKS

br
encl. P.O.L.

B.O. 13-'71

January 29, 1971

Don Bodekar, City Engineering

Vacation - Alley North of Home Avenue, West of Fairfield

Please take whatever steps are necessary to process the attached petition.

Fred S. Ehrman

Robert W. Dahman

George F. Gable

BOARD OF PUBLIC WORKS

es

TRAFFIC ENGINEERING DEPARTMENT

Report No. _____ Sheet 1 of 2 Date July 3 1972

To: Ron Bonar City Engineer

Subject: Duemling Clinic Alley Vacation (Decl. Res. No. 1306-1971)

I have reviewed all correspondence and agreements in connection with subject alley vacation. Completed items are as follows:

A. Indiana & Michigan Electric Co. and General Telephone Co. required an underground utility easement which has been signed and recorded.

B. The fence has been removed from the easement area granted for vehicular traffic purposes, in accordance with Mr. Reiber's letter dated December 6, 1971.

C. A right of trespass agreement was signed allowing area residents to walk across clinic property between Home Avenue and the remaining portion of the public alley.

The following items remain unresolved:

A. Water Pollution Control Engineering requires a utility easement. Although a new sewer was rerouted around the building, an easement is required at the extreme north and south ends of the vacated alley.

B. Sufficient barriers are to be installed to prevent automobiles which are using the Duemling parking lot from going onto or coming from public alleys in the block. Also, an opening is to be provided through this same area for pedestrians.

C. All Duemling parking areas are to be hard surfaced and barriers or drains constructed which would prevent surface water from draining onto the public alleys.

NOTED

☒ J.D.B.

☒ R.L.B.

☒ W.G.W.

Date _____

DISPOSITION OF REPORT

Approved _____ 19____

Rejected _____ 19____

Hold _____ 19____ Rescinded _____ 19____ Other _____ 19____

BOARD OF PUBLIC WORKS

JUL 03 1972

TRAFFIC ENGINEERING DEPARTMENT

Report No. _____ Sheet 2 of 2 Date July 3 1972

D. Asphalt removal and patching is necessary in the area where the vehicular traffic easement meets the east-west alley, due to a difference in elevation.

E. A pole at the intersection of the two alleys has not been relocated. This pole is heavily loaded with utility lines running in three directions and is the most controversial item connected with the vacation.

7 The gist of this situation is that area residents want the pole moved and Duemling has signed an agreement to pay all the expenses; however, the utility companies are very much opposed to the move until such time as it is actually proven a necessity for negotiating the turn rather than just a convenience. In all probability, this decision will ultimately be up to the Board of Public Works.

If further information is necessary, please advise.

Donald E. Bodeker
Donald Bodeker

DEB/km

cc: Board of Public Works ✓
Street Engineering
File (2)

(P.O. # 13-1971)

City of Fort Wayne



ENGINEERING DEPARTMENT

CITY-COUNTY BUILDING
ONE MAIN STREET
Room 710

FORT WAYNE, INDIANA 46802

July 9, 1971

Indiana & Michigan Electric Co.
General Telephone Co. of Indiana
Electrical Engineering

Re: Declaratory Resolution No. 1306-1971 which provides for the vacation of the alley between Fairfield Avenue and South Wayne Avenue from the north property line of Home Avenue to a point 120 feet north thereof.

The above described alley vacation is scheduled for a public hearing at the Board of Public Works, Thursday, July 15, 1971 at 3:30 P.M.

Due to complaints from area property owners, City Council passed the vacation with the understanding a vehicular traffic easement would be granted as indicated in red on the attached drawing.

This may involve several poles and overhead facilities which were not previously considered in connection with the alley vacation.

To avoid any future misunderstanding, I suggest the utility companies explore this situation from an engineering viewpoint and determine the cost involved.

Please report your findings to Thomas Gallmeyer, attorney for Duemling Clinic, as well as myself. This should be done before Thursday, if possible.

Yours very truly,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc:

✓ Board of Public Works (B.O. #13-1971)
Thomas Gallmeyer

DECLARATORY

Improvement Resolution No. **1306-71** For THE VACATION OF THE ALLEY BETWEEN FAIRFIELD AVENUE AND SOUTH

WAYNE AVENUE FROM THE NORTH PROPERTY LINE OF HOME AVENUE TO A POINT 120 FEET NORTH THEREOF

6	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	DUEMLING MEDICAL BUILDING, INC.	1717 Fairfield Ave. 7	1			S.B. BONE'S AMD. SUB
2	" " " "	" " " "	2			" " " "
3	MEITZ, WALTER "	2810 Fairfield Ave. 7	3 -	540'		" " " "
4	BOHNE, GERTRUDE, EDNA & WM. R.	2806 Fairfield Ave. 7	3 -	1120'		" " " "
5	" " " "	" " " "	4 -	520'		" " " "
6	MEYER, EMMA L.	2802 Fairfield Ave. 7	4 -	1140'		" " " "
7	PARKHURST, JOHN C. & VALANCE M.	2732 Fairfield Ave. 7	5			" " " "
8	" " " "	" " " "	6 -	555'		" " " "
9	DUEMLING MEDICAL BUILDING, INC.	2702 Fairfield Ave. 7	8			" " " "
10	ANKENBRUCK, JOHN V. & LAVERNE	4415 Karen Ave. 5	7			BEECHWOOD AMD. ADD
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						
51						
52						
53						
54						
55						
56						
57						
58						
59						
60	NOTICES MAILED OR SERVED					
61	May 28, 1971					
62	By <u>Rosyl Rebling</u>	NOTICES MAILED OR SERVED				
63		July 9, 1971				
64		By <u>Rosyl Rebling</u>				
65						
TOTAL						

